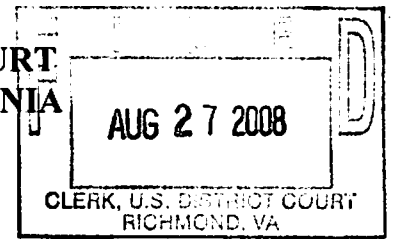


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



JOHN W. HEARNE,

Petitioner,

V.

KEITH DAVIS, *et al.*,

Respondents.

Civil Action No. 3:08CV411-HEH

MEMORANDUM OPINION
(Dismissing Without Prejudice 28 U.S.C. § 2254 Petition)

Petitioner, a Virginia prisoner proceeding *pro se*, submitted a petition for a writ of habeas corpus. In the United States District Court for the Eastern District of Virginia, all *pro se* petitions for writs of habeas corpora must be filed on a set of standardized forms. See E.D. Va. Loc. Civ. R. 83.4(A). Accordingly, by Memorandum Order entered on July 17, 2008, the Clerk of the Court sent Petitioner the standardized form for filing a § 2254 petition and the Court directed Petitioner to complete and return the form to the Court within fifteen (15) days of the date of entry thereof. The Court warned Petitioner that the failure to complete and return the form in a timely manner would result in dismissal of the action. See Fed. R. Civ. P. 41(b). More than fifteen (15) days have elapsed since the entry of the July 17, 2008 Memorandum Order and Petitioner has not returned the standardized form for filing a § 2254 petition. Accordingly, the action will be dismissed without prejudice.

An appropriate Order shall accompany this Memorandum Opinion.

Date: Aug. 22, 2008
Richmond, Virginia

<p><u>/s/</u> Henry E. Hudson United States District Judge</p>
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